

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis PARTIDA-Carrillo,

Defendant

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Magistrate Docket No.


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about January 5, 2008 within the Southern District of California, defendant, **Jose Luis PARTIDA-Carrillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF JANUARY 2008.


Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose Luis PARTIDA-Carrillo

PROBABLE CAUSE STATEMENT

On January 5, 2008, Senior Patrol Agent A. Noyes was performing uniform Border Patrol operations in the Chula Vista area of responsibility. At approximately 8:00 p.m., infrared scope operator Supervisory Border Patrol Agent J. Filippi notified agents via bureau radio that he had spotted seven individuals walking west on the "562 Hill". This area is located approximately two miles east of the Otay Mesa, California Port of Entry and approximately two miles north of the United States/Mexico international boundary

Upon arrival to the area, Agent Noyes observed seven individuals. When Agent Noyes approached them on foot, they all started to run. After a foot pursuit and an extended search, Agent Noyes was able to locate four individuals including one later identified as the defendant **Jose Luis PARTIDA-Carrillo**. Agent Noyes identified himself as a U.S. Border Patrol Agent and questioned each of the four individuals, including the defendant, as to their citizenship and immigration status. All individuals including the defendant freely admitted to being citizens and nationals of Mexico illegally present in the United States. All four subjects were placed under arrest and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 7, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

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W. Malvarone
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